Unknown

From: iTunes Store [do_not_reply@itunes.com]
Sent: Saturday, March 31, 2012 7:50 PM
To: susana.m@susana2010.com
Subject: Your receipt No.192031391048

Billed To:
susana.m@susana2010.com
Susana Martinez
6125 Jornada N
LAS CRUCES, NM 88012-9505
USA

Order Number: MHH4JZJSJL
Receipt Date: 03/31/12
Order Total: $16.33
Billed To: MasterCard 8585

Item	Artist	Type	Unit Price
Soak Up the Sun Write a Review Report a Problem	Sheryl Crow	Song	$1.29
How Sweet It Is (To Be Loved by You) Write a Review Report a Problem	Marvin Gaye	Song	$1.29
Falling In Love At a Coffee Shop Write a Review Report a Problem	Landon Pigg	Song	$1.29
Better Together Write a Review Report a Problem	Jack Johnson	Song	$1.29
I Just Can't Live a Lie Write a Review Report a Problem	Carrie Underwood	Song	$0.99
Just A Kiss - Ringtone Report a Problem	Lady Antebellum	Ringtone	$1.29
Just a Kiss Write a Review Report a Problem	Lady Antebellum	Song	$1.29
Wanted You More Write a Review Report a Problem	Lady Antebellum	Song	$1.29
We Owned the Night Write a Review Report a Problem	Lady Antebellum	Song	$1.29
Dancin' Away With My Heart Write a Review Report a Problem	Lady Antebellum	Song	$1.29
As You Turn Away Write a Review Report a Problem	Lady Antebellum	Song	$1.29
Friday Night Write a Review Report a Problem	Lady Antebellum	Song	$1.29

Subtotal:	$15.18
Tax:	$1.15
Order Total:	$16.33

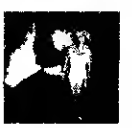
Those who bought your selections also bought:


The Singles
Pretenders


Best Days
Matt White


Me and My Gang (Bonus Track)
Rascal Flatts


The Way It Was
Parachute


Four the Record (Deluxe Edition)
Miranda Lambert

Please retain for your records.
Please See Below For Terms And Conditions Pertaining To This Order.

Apple Inc.
You can find the iTunes Store Terms of Sale and Sales Policies by launching your iTunes application and clicking on Terms of Sale or Sales Policies

Answers to frequently asked questions regarding the iTunes Store can be found at
http://www.apple.com/support/itunes/store/

Apple respects your privacy.
Information regarding your personal information can be viewed at http://www.apple.com/legal/privacy

Unknown

From: Duncan Scott [duncan@dscottlaw.com]
Sent: Friday, March 30, 2012 1:52 PM
To: duncan@dscottlaw.com
Subject: Rob Doughty fundraiser today 5:00-7:00 pm.

Please remember Rob's fundraiser tonight that Mickey and I are sponsoring at our home in Tanoan from 5:00-7:00 p.m. Our address is 10109 Masters NE.

Forget the world's trouble and stop by. We'll have barbeque, drinks and allergy suppressants. If you are too broke to donate, come on by anyway; you can waive your Thirteenth Amendment rights and bind yourself into slavery for literature drops.

Hope to see ya' tonight.

Duncan Scott
Scott & Kienzle, P.A.
1011 Las Lomas NE
Mail: Box 587
Albuquerque, NM 87103
(505) 246-8600; FAX 246-8682
Duncan@DScottlaw.com
Cell: (505) 238-2151

Unknown

From: Hanna Skandera [hannaskandera@yahoo.com]
Sent: Friday, March 30, 2012 12:02 PM
To: susana.m@susana2010.com
Subject: Per my voicemail. We must send today.

Attachments: APS -Sierra Vista.doc; ATT00845.txt


APS -Sierra Vista.doc (61 KB)


ATT00845.txt (97 B)

Here it is!

STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

HANNA SKANDERA
SECRETARY-DESIGNATE OF EDUCATION

SUSANA MARTINEZ
Governor

March 30, 2012

Superintendent Winston Brooks
Albuquerque Public Schools
PO Box 25704
Albuquerque, NM 87125

Dear Superintendent Brooks,

As you are aware, the Public Education Department (PED) recently conducted an investigation into testing irregularities at Sierra Vista Elementary School.

Results of the Investigation: PED obtained considerable circumstantial evidence indicating testing irregularities may have occurred, however the evidence is not sufficient to warrant further administrative or disciplinary action.

Although PED will take no further action at this time, the purpose of this letter is to emphasize the serious nature of the allegations, present details about the allegations, and provide additional information about Albuquerque Public Schools' (APS) assessment program.

The PED's Assessment and Evaluation Bureau received two complaints in mid February alleging that cheating had occurred on the 2011 Standards Based Assessment (SBA). Reportedly, these testing practices existed since 2009. Specifically, it was alleged that:

- Teachers read the SBA Reading tests to general education students not on an Individualized Education Plan (IEP). Another closely related complaint alleged that teachers read SBA questions and changed the language of test questions to assist students. An administrator allegedly approved and encouraged this practice;
- A teacher delayed the administration of the SBA to instruct students on test content;
- Teachers checked students' answer documents and pointed out mistakes to students;
- Teachers said they looked at the SBA and discussed its content during and after testing;
- The aforementioned testing irregularities were reported to the APS central office and "nothing was ever done."

The allegations submitted to the PED and the information obtained during on-site interviews assert several potential violations of the New Mexico Administrative Code (NMAC). The complaints and interviews implicate violations of the following regulations on Statewide Standardized Testing Security Issues and Irregularities:

1. Section 6.10.7.9(C)(5)(a) NMAC: changing a student's standardized test answers including but not limited to erasing double-marked or lightly erased or lightly marked answers, or directing or suggesting that a student change a standardized test answer;
2. Section 6.10.7.9(C)(5)(b) NMAC: providing students with a review of specific standardized test items, specific standardized test items with minor changes in settings or numbers, verbal or written restatements of standardized test items, specific vocabulary from standardized test directions or standardized test items, or answers before, during or after a standardized test;
3. Section 6.10.7.9(C)(5)(c) NMAC: discussing, photocopying, or reproducing in any other fashion including paraphrasing, any portion of a standardized test or a student's answer.
4. Section 6.10.7.9(C)(5)(e) NMAC: reading standardized test items aloud to students unless required in a specific standardized test or unless a student is required to be provided with special accommodations; permitting students to talk, become disruptive or exchange any papers during a standardized test.

These allegations would also implicate violations of the following provisions in the PED's rule governing the Code of Ethical Responsibility of the Education Profession:

1. Section 6.60.9.9(17) NMAC: (licensed staff) shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document...(c) in connection with any standardized or non-standardized testing;
2. Section 6.60.9.9(19) NMAC: (licensed staff) shall not engage in any conduct or make any statement:
    (a) that would breach the security of any standardized or non-standardized tests;
    (b) that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;
    (c) that would give students an unfair advantage in taking a standardized or non-standardized test;
3. Section 6.60.9.9(23) NMAC: (licensed staff) shall not engage in unprofessional conduct.

These complaints prompted the PED's investigation and related fieldwork at Sierra Vista Elementary School on March 1st and 2nd, 2012.

The PED's complaint investigation process in this matter involved the following:

- A review of the original complaints;
- A conference with school district leadership;
- Interviews with school and district personnel;
- Cross sectional and longitudinal statistical analyses of SBA scores for Sierra Vista Elementary.

A testing irregularity occurs when required test preparation and administration procedures are not strictly followed as specified in New Mexico Administrative Code (NMAC). The PED is authorized to take appropriate action against any educator license of anyone found to have engaged in ethical misconduct.

During the course of the investigation, PED staff interviewed collectively over a dozen teachers, administrators, or other staff. These individuals were offered an opportunity for union representation; some individuals accepted this offer while several others declined. The PED's assessment staff also conducted an analysis of SBA results using statistical techniques to assist in the evaluation of these allegations.

PED staff members interviewed certain teachers wherein those teachers admitted that they heard of the alleged testing irregularities under investigation; and one teacher reported witnessing a testing irregularity. The targeted teachers denied following or knowing of the alleged testing irregularities.

The PED analyzed grades 3 and 4 SBA scores for students enrolled with the targeted teachers, for students enrolled with teachers not accused, for students enrolled in all grades 3 and 4 classes at Sierra Vista Elementary School, and for all students enrolled in grades 3 and 4 statewide in 2010 and 2011. Test scores in Reading and Math were marginally higher for the targeted teachers than for other grade 3 teachers at Sierra Vista Elementary School. It was not possible to monitor scores before the third grade because the SBA is not administered in second grade. However, changes in scores from third to fourth grade were analyzed. Scores decreased slightly from third to fourth grade for two of the targeted teachers, but not for another. Inconsistent patterns failed to rule out other possible causes, such as a uniquely gifted class or effective instruction for score differences. Data analyses did not sufficiently indicate that scores were artificially inflated due to testing irregularities.

The Research Development and Accountability Division (RDA) of APS denied receipt of reports of said testing irregularities in 2011. In response to a PED inquiry, RDA indicated that the incidents reported at Sierra Vista did not appear related to the allegations of this investigation. The PED verified through a document review that the targeted teachers participated in 2011 district training on test security procedures. A review of APS test security training materials indicated that appropriate test security procedures pertaining to the alleged testing irregularities were addressed in the training materials.

While PED became aware of considerable amounts of circumstantial evidence and hearsay indicating the above referenced violations may have occurred, the evidence currently available is not sufficient to warrant further action to suspend anyone's license, pursue further ethics investigations, or invalidate test scores. In addition, data analyses did not validate that the alleged testing irregularities occurred. For these reasons, the status of this investigation is closed.

We feel strongly that investigations into alleged wrongdoing will help maintain the credibility of the New Mexico Assessment Program and appreciate the fact that the Albuquerque Public Schools has taken these allegations seriously. We also appreciate the cooperation we received

and the compliment received from a member of APS senior district staff. The PED looks forward to working with all public schools across the state to ensure that the 2012 SBA is administered properly and that the results are accurate.

Respectfully,

Craig J. Johnson

cc: Hanna Skandera, Secretary-Designate
Chris Brunder, Testing Coordinator, APS

Unknown

From: Patrick J. Rogers [patrogers@modrall.com]
Sent: Friday, March 30, 2012 7:15 AM
To: jay@mccleskeymedia.com; KGardner@susana2010.com
Subject: Jacob Candelaria

Of course is the grandson of Elodia Candelaria. The blogs noted her close connection with Manny Aragon and some "issues" with a S. Valley dental clinic. The did not note the criminal charges, sentence and pardon of Elodia for fraudulent voter registrations. Clinton gave her the next to last pardon, the last being the pardon purchased by Mark Rich. I'd recommend you get some info to the opponent. Jacob was a very active, very strident opponent of photo id, 3rd party registration restrictions (imagine that) and any conservative cause.

From: MARTINEZ INFO CENTER [mailto:warroom@susanapac.com]
Sent: Friday, March 30, 2012 7:06 AM
To: MARTINEZ INFO CENTER
Subject: KOAT NEWS: State Senate candidate accuses opponent of voter fraud

State Senate candidate accuses opponent of voter fraud
KOAT NEWS
11:14 PM MDT Mar 29, 2012

http://www.koat.com/news/new-mexico/albuquerque/State-Senate-candidate-accuses-opponent-of-voter-fraud/-/9153728/9785706/-/fviuou/-/index.html

ALBUQUERQUE, N.M. -The battle for a Bernalillo County state Senate seat heated up on Thursday as Action 7 News learned of claims of voter fraud leveled against one of the candidate's campaigns.

The campaign of District 26 candidate Jacob Candelaria submitted more than 150 signatures to get on the ballot.

But when Action 7 News showed up at at a number of the listed addresses Thursday afternoon, some folks say they never signed the petition and that their signature was forged.

At one household, a man found his name on the petition twice with two different style signatures and also found his wife's signature.

"She never signed at all," the man said.

Another voter down the street said more of the same.

"Not even the print is her handwriting," a woman said of what was supposedly her mother's signature. "And that is not even how you spell her name."

At another address, a woman said the voter listed on the petition moved out years ago.

"We hired a local vendor to augment the signatures that the campaign collected," said Candelaria campaign manager Neri Holguin.

The campaign said there may be problems with that vendor. Officials said they're reviewing every signature that was filed, but stressed Candelaria himself wasn't aware that any of the signatures may have been falsified.

A formal complaint was lodged with the Secretary of State's Office by Carlos Villanueva, the other Democratic candidate in the race.

Villanueva was the former Bernalillo County worker who lost his job after claiming to have found $3 million dollars in county

overpayments to an outside company. An independent audit later found that not to be true.

There is no Republican in the race, so whoever wins the June primary will represent District 26.

A report was also filed with state police concerning the forged signatures.

--
IRS Circular 230 Disclosure: To comply with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained herein (including any attachments), unless specifically stated otherwise, is not intended or written to be used, and cannot be used, for the purposes of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter herein.

Modrall, Sperling, Roehl, Harris & Sisk, P.A.
THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL, EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW, AND PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE.
If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any review,dissemination or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please do not read it, delete it from your system without copying it, and notify the sender by reply e-mail or by calling 505.848.1800 ,so that our address record can be corrected. Thank you.
This email was Anti Virus checked by Astaro Security Gateway. http://www.astaro.com

Unknown

From: Nelson Goodin [nelson.goodin@gmail.com]
Sent: Wednesday, March 28, 2012 6:37 PM
To: susana.m@susana2010.com
Subject: order
Attachments: Ryin Order Denying Bond.pdf

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs. **CR 11-2294 RB**

RYIN REESE,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on Defendant Ryin Reese's Motion to Reconsider Detention Order, (Doc. 114), filed on February 17, 2012. A hearing was held on March 27, 2012. Having considered the submissions of counsel, the record, and relevant law, the Court denies this motion.

I. Background

Ryin Reese is charged with conspiracy, making false statements in connection with the acquisition of firearms, smuggling firearms from the United States, and money laundering conspiracy. (Doc. 2). After a detention hearing, Judge Wormuth found that Ryin Reese is a flight risk and a danger to the community and ordered him detained pending trial. (Docs. 34 & 30). Ryin Reese has appealed the detention order, stating that conditions could be imposed that would assure his appearance and the safety of the community, it is difficult to prepare a defense while incarcerated, he anticipates vindication at trial, and his history and characteristics militate in favor of release. (Doc. 114). The United States opposes the appeal, maintaining that the evidence is strong against Ryin Reese, the complexity of the case does not justify his pretrial release, and his

own words prove that he is a flight risk and a danger to the community. (Doc. 123).

II. Standard

"If a person is ordered detained by a magistrate judge, . . . the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order." 18 U.S.C. § 3145(b). "The motion should be considered and ruled upon in the first instance by a district judge in the court of original jurisdiction." *United States v. Cisneros*, 328 F.3d 610, 615 (10th Cir. 2003). The standard of review is *de novo*. *See id.* at 616 n.1.

III. Discussion

The Court must determine whether there is any condition or combination of conditions of release that will reasonably assure the appearance of Ryin Reese as required and the safety of any other person and the community. 18 U.S.C. § 3142(e). A defendant is entitled to pretrial release, with or without conditions, unless the Court "finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and community." 18 U.S.C. § 3142(e). The United States must prove risk of flight by a preponderance of the evidence, *see Cisneros*, 328 F.3d at 617, and it must prove dangerousness by clear and convincing evidence. 18 U.S.C. § 3142(f). The burden of persuasion always remains with the United States. *United States v. Lutz*, 207 F. Supp. 2d 1247, 1251 (D. Kan. 2002).

In determining whether there are conditions of release that will reasonably assure the appearance of the defendant as required and the safety of any other person and community, the Bail Reform Act directs the court to considers the following factors: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) the defendant's history and characteristics, including, *inter alia*, family and community ties as well as criminal

history; and, (4) the nature and seriousness of the danger to any person or the community posed by the defendant's release. 18 U.S.C. § 3142(g)(1)-(4). The court must impose the least restrictive condition or combination of conditions to reasonably assure the defendant's appearance and the safety of the community. *See* 18 U.S.C. § 3142(c)(1)(B).

The Indictment charges Ryin Reese with eighteen counts spanning the time period of April 2010 through July 29, 2011, is twice as many counts as any other co-defendant. (Doc. 2). The charges relate to conspiracy, making false statements in connection with the acquisition of firearms, smuggling firearms from the United States, and money laundering conspiracy. While the charges do not involve a presumption favoring detention, *see* 18 U.S.C. § 3142(e), they are serious and the weight of the evidence is significant. For instance, the United States has a recording of Ryin Reese warning the confidential informant to "be careful on the phone," thereby demonstrating that he was aware of his involvement in illegal activities. (Govt. Ex. 1). Contributing to the dangerousness calculus are Ryin Reese's comments that he has "no faith whatsoever" in the court system, his lawyer, or federal judges, (Doc. 139), and his discussions with the confidential informant concerning the drug-related violence in Mexico. (Govt. Exs. 6-8). While he no longer has access to the firearms seized by the United States, Ryin Reese was involved in the gun trade and is undoubtedly able to obtain firearms. Additionally, Ryin Reese has demonstrated a propensity to flee to Mexico. (Govt. Ex. 2-4). He attempted to obtain a fraudulent Mexican driver's license from the confidential informant, and went so far as to decide on an alias and provide passport photos to the confidential informant to take to Mexico to obtain the fraudulent license. (*Id.*) On another occasion, Ryin Reese mused to confidential informant "maybe I can move down to Mexico . . . some place with some beach front[.]" (Doc. 22 at 3). The United States has satisfied its burden of showing that Ryin

Reese is a danger to the community and a flight risk. There is no combination of factors that can be fashioned to assure Ryin Reese's appearance at trial or to eliminate the danger to the community.

Ryin Reese contends that it is very difficult to prepare a defense while he is incarcerated and he needs to review "years of books and records and files" and to analyze "hundreds of pages of recorded phone calls" with his counsel. (Docs. 130 and 114). Pre-trial detention inevitably interferes with trial preparation to some extent. The Bail Reform Act contemplates this problem and allows for detention provided that the defendant is "afforded reasonable opportunity for private consultation with counsel." 18 U.S.C. § 3142(i)(3). Ryin Reese does not contend that his access to his attorney has been restricted, but rather he asserts that the jail conditions are harsh. Additionally, he implies that it is difficult to review voluminous records in the jail. After a defendant has been detained, a "judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason." 18 U.S.C. § 3142(i). The defendant has the burden of showing that temporary release is necessary for preparation of the defense under Section 3142(i). *United States v. Dupree*, ____ F. Supp. 2d ____, 2011 WL 5325561, *3 (E. D. N.Y. Nov. 3, 2011) (citations omitted). Ryin Reese has not met this burden. At this juncture, Ryin Reese has failed to show that his release is necessary for the preparation of his defense.[1]

At the hearing, Ryin Reese presented the testimony of Donna Richmond, the mother of his girlfriend and a well-respected member of the community. The Court appreciates Ms. Richmond's

[1] If defense counsel needs access to a conference room to meet with Ryin Reese inside the detention center, he should contact the United States Marshals Service or file an appropriate motion.

testimony and her willingness to serve as a third-party custodian. While the Court believes that Ms. Richmond would fulfill her responsibilities as a third-party custodian in an admirable manner, neither Ms. Richmond nor any third-party custodian would be able to ensure Ryin Reese's compliance with the conditions of release.

Due to the fact that three of the four Defendants remain in pretrial detention, the Court will move the trial date up from October 22, 2012 to July 16, 2012. Counsel are directed to confer and submit a scheduling order that includes the estimated number of days needed for trial by April 2, 2012.

THEREFORE,

IT IS ORDERED that Defendant Ryin Reese's Motion to Reconsider Detention Order, (Doc. 114), filed on February 17, 2012, is **DENIED**.

IT IS FURTHER ORDERED that Defendant Ryin Reese shall remain in the custody of the United States Marshal pending trial or further order of the Court.

IT IS FURTHER ORDERED that counsel shall submit a proposed scheduling order by April 2, 2012.

ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE

Unknown

From: newmanmonty@gmail.com
Sent: Tuesday, March 27, 2012 5:43 PM
To: adarnell@susanapac.com; gmarquez@susana2010.com

Alexis,

These will be the general areas of discussion.

Oil and gas issues in NM.

IE: Tax structure vs. other producing states.

Why fewer NM based operators in NM per bbls produced vs. other states.

Transportation issues for oil rigs etc permitting on state highways vs. Texas.

Enviromental issues specific to NM oil and gas operations.

Specific tax and regulation of oil and gas in NM.

I will call when I am free. Currently in Greenville, SC.

Will follow up with names of those attending.
Regards,
M
Sent on the Sprint® Now Network from my BlackBerry®

Unknown

From: newmanmonty@gmail.com
Sent: Tuesday, March 27, 2012 5:43 PM
To: adarnell@susanapac.com; gmarquez@susana2010.com
Subject: Names

Mark Veteto - Me-Tex Oil and Gas
(Independent Producer)

Larry Scott - Lynx Petroleum
(Independent Producer)

Finn Smith - Watson Hopper
(Manufactures Pulling Units)

Mike McVay- McVay Drilling
(Operates Drilling Rigs NM

Cliff Brunson - BBC International
(Environmental Specialist to Oil and Gas)

All of these men are principals in their companies and very knowledgeable.

Regards, M
Sent on the Sprint® Now Network from my BlackBerry®

Unknown

From: Mickey Barnett [mickey@theblf.com]
Sent: Tuesday, March 27, 2012 9:07 AM
To: JHernandez@susana2010.com
Cc: kjgatc@gmail.com
Subject: State Motion to Intervene - 12 States - Privileged & Confidential
Importance: High
Attachments: States' motion for leave to intervene as respondents.pdf

Looks like Gary King has already filed on the other side.....in your opinion can Gov file on her own behalf?? This assumes she may want to from policy prospective which has NOT yet been discussed

Mickey

Mickey D. Barnett
The Barnett Law Firm
1905 Wyoming Blvd. NE
Albuquerque, NM 87112
505.275.3200
mickey@theblf.com
http://www.thebarnettlawfirm.com/

ORAL ARGUMENT NOT SCHEDULED

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

WHITE STALLION ENERGY CENTER, LLC, Petitioner, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Respondent.	Case No. 12-1100

MOTION FOR LEAVE TO INTERVENE AS RESPONDENTS

The Commonwealth of Massachusetts and the States of Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, New Hampshire, New Mexico, New York, Rhode Island, Vermont and the District of Columbia and the City of New York (collectively, "Proposed Intervenors") hereby move for leave to intervene as parties respondent in this action, for the reasons set forth below.

BACKGROUND

1. Under Section 307(b)(1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7607(b)(1), the White Stallion Energy Center, LLC, filed a Petition for Review with this Court on February 16, 2012, for review of the final action of Respondent United States Environmental Protection Agency ("EPA") published in the Federal Register at 77 Fed. Reg. 9304, *et seq.*, (Feb. 16, 2012), and titled "National

Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units" ("Final Rule"). EPA also refers to the Final Rule as the Mercury and Air Toxics Standards ("MATS"). 77 Fed. Reg. 9306/3.

2. EPA issued the Final Rule after remand and in direct response to this Court's decision in *New Jersey v. EPA*, 517 F.3d 574 (D.C. Cir. 2008). 77 Fed. Reg. 9308/2. *New Jersey v. EPA* involved review of EPA's 2005 rules that (a) purported to reverse EPA's December 2000 listing of coal- and oil-fired electricity generating units ("EGUs") as sources of mercury under section 112 of the Clean Air Act, 70 Fed. Reg. 15994 (March 29, 2005), and (b) established performance standards for new and existing sources of mercury emissions under section 111 of the Clean Air Act (the "Clean Air Mercury Rule" or "CAMR"), 70 Fed. Reg. 28606 (May 18, 2005). This Court ruled that the attempt to delist sources under section 112 was procedurally invalid and, as a result, the sources remained listed (and hence subject to regulation) under section 112. Because section 111 prohibits performance standards for sources listed under section 112, the Court further ruled that CAMR was void and remanded the matter to EPA. 517 F.3d at 583-84.

3. The MATS is designed to reduce by 90% emissions of mercury by the electric power industry through the application of various control technologies already available in the market and used in the industry. Implementation of these technologies will also result in substantial reductions in emissions of other toxic metals and co-beneficial reductions in small particulates (2.5 microns in diameter and below) and sulfur dioxide, a precursor of small particulates. EPA estimates that the dollar value of health benefits of the Final Rule will outweigh the costs by between three-to-one and nine-to-one. 77 Fed. Reg. 9306. The Final Rule allows existing sources three years to comply, and notes that up to two additional years may be allowed in certain special cases.

4. The Proposed Intervenors request leave to intervene in this action under Rule 15(d) of the Federal Rules of Appellate Procedure because the Court's action on the petition for review will affect the public health and welfare of their residents.

ARGUMENT

A. The Proposed Intervenors Have Direct and Substantial Interests in the Outcome of this Action that Warrant Intervention under Fed. R. App. Pro. Rule 15(d).

5. Rule 15(d) of the Federal Rules of Appellate Procedure imposes no specific requirements on a party seeking to intervene other than that it must explain its interest in the proceeding. Rule 15(d) has been interpreted to permit

intervention where the intervenor has a direct and substantial interest in the outcome of the action. *See, e.g., Yakima Valley Cablevision, Inc. v. FCC*, 794 F.2d 737, 744-45 (D.C. Cir. 1986) (allowing Rule 15(d) intervention because petitioners were "directly affected by" application of agency policy); *New Mexico Dept. of Human Servs. v. HCFA*, 4 F.3d 882, 884 n.2 (10th Cir. 1993) (permitting intervention because intervenors had substantial and unique interest in outcome); *Bales v. NLRB*, 914 F.2d 92, 94 (6th Cir. 1990) (granting Rule 15(d) intervention to party with "substantial interest in the outcome"). In determining whether a potential intervenor has a direct and substantial interest in a particular controversy, courts should consider the design of the statute at issue. *Texas v. United States Dep't of Energy*, 754 F.2d 550, 551 (5th Cir. 1985) (denying intervention to 31 utilities whose only participation in the statutory scheme was to provide funding).

6. Here, the Proposed Intervenors have a direct and substantial interest in the outcome of this action that is consistent with the statutory purpose of protecting public health and welfare. Many of the Proposed Intervenors were petitioners in *New Jersey v. EPA*, 517 F.3d 574 (2008), an action they brought to ensure that EPA followed the CAA's requirement that EPA promulgate standards reflecting the "maximum achievable control technology" for hazardous air pollutants such as mercury. The MATS is a direct result of that litigation, and the same interests that

led the Proposed Intervenors to challenge the earlier rule now lead them to support MATS.

7. The Proposed Intervenors are responsible for protecting the health of their residents and the welfare of their environment. Mercury is highly toxic to humans, especially to developing fetuses and children, and wildlife. Once deposited, mercury can change into methylmercury, an even more toxic form, which is persistent and bio-accumulates in the food chain.

8. As a sector, electricity generating plants are the largest domestic source of mercury emissions in the United States. In a Technical Support Document issued with MATS, EPA reported modeling results showing that EGUs were responsible for mercury deposition throughout the eastern United States at from 0.18 to over 10 micrograms per square meter. EPA, "Revised Technical Support Document: National-Scale Assessment of Mercury Risk to Populations with High Consumption of Self-caught Freshwater Fish," at 58. *See also id.* at 65 ("U.S. EGU Hg deposition is concentrated in the eastern U.S."). EPA estimates that populations in 29% of watersheds in the United States are at risk from exposure to methylmercury from EGUs. 77 Fed. Reg. 9316/2. Moreover, in 2010, all 50 states, one U.S. territory, and three tribes had mercury advisories in effect for 16.4 million lake acres and 1.1 million river miles. EPA, *2010 Biennial National Listing of Fish Advisories*, EPA-820-F-11-014 (Nov. 2011), at 3, 5.

9. Power plants are also significant emitters of hazardous air pollutant metals such as arsenic, nickel, cadmium, chromium, lead and selenium, and the acid gases hydrogen chloride and hydrogen fluoride. Arsenic, chromium, and nickel have been classified as human carcinogens, while cadmium is classified as a probable human carcinogen. Additionally, adverse noncancer health effects associated with these pollutants include lung irritation and congestion, alimentary effects such as nausea and vomiting, and effects on the central nervous system and kidneys. 77 Fed. Reg. 9310-9311. The control technologies employed pursuant to the Final Rule to reduce mercury emissions will also substantially reduce emissions of these pollutants.

10. The Proposed Intervenors each own numerous parks with rivers, lakes, and streams that have been degraded by deposition of mercury and other hazardous air pollutants emitted by EGUs, and fish in those water bodies have been rendered unhealthful for human consumption as a result. The Proposed Intervenors' residents, many of whom rely upon freshwater fish to supplement their food supply, are put at risk by the continued deposition of hazardous air pollutants emitted by coal- and oil-fired power plants in the Proposed Intervenors' water bodies.

11. For these reasons, because this Rule resulted from the Proposed Intervenors' earlier action, and because the pollutants in issue degrade their parks

and surface waters and injure the health of their residents, the Proposed Intervenors have direct and substantial interests in the MATS Rule, sufficient to support their intervention in this action in support of the Final Rule. *See New Jersey v. EPA*, 517 F.3d 574 (2008). *See also Massachusetts v. EPA*, 549 U.S. 497, 526 (2007) (impacts of rising sea level to state-owned parks gives state standing to challenge EPA's denial of rulemaking petition).

12. Finally, the Proposed Intervenors possess an "'interest independent of and behind the titles of [their] citizens, in all the earth and air within [their] domain'" (*id.* at 518-19 *quoting Georgia v. Tennessee Copper Co.*, 206 U.S. 230, 237 (1907)) that gives them each a "special position and interest" (*id.* at 518). The Supreme Court has noted: "It is of considerable relevance that the party seeking review here is a sovereign State and not . . . a private individual." *Id.* at 518. The "special solicitude" to which the petitioner-States were entitled in *Massachusetts v. EPA* (*id.* at 520) in the standing context is equally applicable to this Court's analysis here.

13. Thus, there can be no doubt that the Proposed Intervenors have an interest in the subject matter of this litigation that is both substantial and direct, supporting their right to intervene in the action. The Proposed Intervenors have sufficient interest in the rulemaking at issue to support intervention under Rule 15(d).

B. The Liberal Intervention Policies Underlying Fed. R. Civ. Pro. 24 Further Support Granting Intervention.

14. The intervention policies underlying Fed. R. Civ. Pro. 24 provide guidance in analyzing intervention under Rule 15(d), although the requirements of Fed. R. Civ. Pro. 24 do not directly apply to motions to intervene in challenges to administrative actions in the federal appellate courts. *See United States v. Bursey*, 515 F.2d 1228, 1238 n.24 (5th Cir. 1975) (policies underlying intervention in district courts may be applicable in appellate courts).

15. Addressing intervention as of right, Fed. R. Civ. Pro. 24(a) provides:

> On timely motion, the court must permit anyone to intervene who: . . . (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Fed. R. Civ. Pro. 24(a)(2).

16. Rule 24(a) is construed liberally in favor of granting intervention. *See United States v. City of Los Angeles*, 288 F.3d 391, 397-98 (9th Cir. 2002); *Southwest Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001). The Proposed Intervenors easily meet Rule 24(a)(2)'s criteria. *See e.g., generally, Coalition for Responsible Regulation, Inc. v. EPA*, D.C. Cir., No. 09-1322, Order (May 5, 2010) (Document No. 1243328) (granting States' motion to intervene in support of EPA's Endangerment Determination made pursuant to CAA, § 202(a)).

17. The courts are especially sensitive to the needs of states to intervene in actions that implicate state laws and policy interests. *See Cascade Natural Gas Corp. v. El Paso Natural Gas Co.*, 386 U.S. 129, 135 (1967) (allowing California to intervene as of right in an antitrust enforcement action to assert "California interests in a competitive system").

18. Fed. R. Civ. Pro. 24(b), which provides for permissive intervention, gives a federal court discretion to allow intervention when a proposed intervenor makes a timely application demonstrating that it "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. Pro. 24(b)(1)(B). In exercising such discretion, courts "must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. Pro. 24(b)(3). *See also Citizens for an Orderly Energy Policy, Inc. v. Suffolk County*, 101 F.R.D. 497, 502 (E.D.N.Y. 1984) (possibility of undue delay or prejudice is the "principal consideration").

19. As EPA's issuance of the Final Rule was a direct response to *New Jersey v. EPA* – a case brought by many of the Proposed Intervenors to challenge EPA's decision to delist EGUs under CAA § 112 – it is beyond doubt that the Proposed Intervenors have direct, and long-standing, interests in the subject of this action. This alone warrants that they be permitted to intervene.

C. EPA May Not Adequately Represent Proposed Intervenors' Interests.

20. Unlike Fed. R. Civ. Pro. 24(a), Rule 15(d) of the Federal Rules of Appellate Procedure does not, on its face, require a proposed intervenor to show inadequate representation by the parties in the litigation. Nevertheless, Proposed Intervenors would satisfy this element of Rule 24(a). According to the Supreme Court, "[t]he requirement of the Rule is satisfied if the applicant shows that representation of his interest 'may be' inadequate; and the burden of making that showing should be treated as minimal." *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972).

21. A proposed intervenor need not show that the representation of its interest *will* in fact be inadequate. *See Diamond v. District of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986). Moreover, "[a] governmental party that enters a lawsuit solely to represent the interests of its residents . . . *differs from other parties, public or private,* that assert their own interests, even when these interests coincide." *United States v. Hooker Chems. & Plastics Corp.*, 749 F.2d 968, 992 n.21 (2d Cir. 1984) (emphasis added). Any doubts about intervention here should be resolved in favor of Proposed Intervenors. *See Federal Sav. & Loan Ins. Corp. v. Falls Chase Special Taxing Dist.*, 983 F.2d 211, 216 (11th Cir. 1993).

22. EPA and Administrator Jackson may resolve or settle this action in a manner that does not square with the interests of the Proposed Intervenors. The

potential difference between the interests of the Proposed Intervenors and EPA is readily apparent in the fact that at the outset of the litigation over EPA's delisting action, the Proposed Intervenors were challenging EPA's position with respect to mercury emissions from EGUs.

D. Proposed Intervenors' Intervention Is Timely.

23. Rule 15(d) provides in relevant part that a motion for intervention is timely if filed within 30 days after the petition for review is filed. This Motion for Leave to Intervene is being filed within this time period and is therefore timely.

24. Allowing the Proposed Intervenors to intervene to protect their own rights and interests here will also not unduly delay or prejudice the rights of any other party.

25. On March 15, 2012, the Massachusetts Attorney General's Office informed counsel for Respondent and Petitioner in this case of Proposed Intervenors' intent to file this motion. Counsel for Respondent stated that Respondent is not taking a position with regard to this motion at this time, and counsel for Petitioner stated that Petitioner does not oppose the intervention sought by this motion.

26. Pursuant to ECF-3(B) of this Court's Administrative Order Regarding Electronic Case Filing (May 15, 2009), the undersigned counsel for the Commonwealth of Massachusetts hereby represents that the other parties listed in

the signature blocks below have consented to the filing of this Motion for Leave to Intervene as Respondents.

CONCLUSION

For the foregoing reasons, the Proposed Intervenor States respectfully request that this Court grant their motion to intervene as party-respondents.

Dated: March 16, 2012

Respectfully Submitted,

FOR THE COMMONWEALTH OF MASSACHUSETTS

MARTHA COAKLEY
ATTORNEY GENERAL

By:
/s/ Carol Iancu
Carol Iancu
Tracy Triplett
William L. Pardee, Chief
Assistant Attorneys General
Environmental Protection Division
One Ashburton Place, 18th Floor
Boston, MA 02108
(617) 963-2428
carol.iancu@state.ma.us

FOR THE STATE OF
CONNECTICUT
GEORGE JEPSEN
ATTORNEY GENERAL

Kimberly P. Massicotte
Matthew I. Levine
Assistant Attorneys General
55 Elm Street
P.O. Box 120
Hartford, CT 06106
(860) 808-5250

FOR THE STATE OF DELAWARE
JOSEPH R. BIDEN, III
ATTORNEY GENERAL

Valerie M. Satterfield
Deputy Attorney General
Delaware Department of Justice
102 West Water Street, 3rd Floor
Dover, DE 19904
(302) 739-4636

FOR THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

Matthew J. Dunn
Gerald T. Karr
James P. Gignac
Assistant Attorneys General
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(312) 814-0660

FOR THE STATE OF IOWA
THOMAS J. MILLER
ATTORNEY GENERAL

David R. Sheridan
Assistant Attorney General
Environmental Law Division
Lucas State Office Building
321 E. 12th Street, Ground Flr.
Des Moines, IA 50319
(515) 281-5351

FOR THE STATE OF MAINE
WILLIAM J. SCHNEIDER
ATTORNEY GENERAL

Gerald D. Reid
Assistant Attorney General
Chief, Natural Resources Division
6 State House Station
Augusta, ME 04333-0006
(207) 626-8545

FOR THE STATE OF MARYLAND
DOUGLAS F. GANSLER
ATTORNEY GENERAL

Roberta R. James
Assistant Attorney General
Office of the Attorney General
Maryland Department of the Environment
1800 Washington Boulevard, Suite 6048
Baltimore, MD 21230
(410) 537-3748

FOR THE STATE OF NEW HAMPSHIRE
MICHAEL A. DELANEY
ATTORNEY GENERAL

K. Allen Brooks
Senior Assistant Attorney General
33 Capitol Street
Concord, NH 03301
(603) 271-3679

FOR THE STATE OF NEW MEXICO
GARY K. KING
ATTORNEY GENERAL

Stephen R. Farris
Ann Moore
Tannis L. Fox
Assistant Attorneys General
Water, Environment and Utilities Division
Office of the New Mexico Attorney General
P.O. Box 1508
Santa Fe, New Mexico 87504
(505) 827-6695

FOR THE STATE OF NEW YORK
ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

Barbara D. Underwood
Solicitor General
Andrea Oser
Deputy Solicitor General
Michael J. Myers
Kevin P. Donovan
Assistant Attorneys General
Environmental Protection Bureau
The Capitol
Albany, NY 12224
(518) 402-2594

FOR THE STATE OF
RHODE ISLAND
PETER F. KILMARTIN
ATTORNEY GENERAL

Gregory S. Schultz
Special Assistant Attorney General
Rhode Island Dept. of Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400 x 2400

F OR THE STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Thea J. Schwartz
Assistant Attorney General
State of Vermont
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-3186

FOR THE DISTRICT OF COLUMBIA
IRVIN B. NATHAN
ATTORNEY GENERAL

Kimberly Katzenbarger
Office of the Attorney General
General Counsel
District Department of the Environment
1200 First Street, NE, Seventh Floor
Washington, DC 20002
(202) 535-2608

FOR THE CITY OF NEW YORK
MICHAEL A. CARDOZO
CORPORATION COUNSEL

Christopher King
Carrie Noteboom
Assistant Corporation Counsels
100 Church Street
New York, New York 10007
(212) 788-0771

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Leave to Intervene as Respondents filed through the Court's CM/ECF System has been served electronically on all registered participants of the CM/ECF System as identified in the Notice of Docket Activity, and that paper copies will be sent by first class mail, postage prepaid, to those indicated as non-registered participants who have not consented in writing to electronic service, on March 16, 2012.

/s/ Carol Iancu
Carol Iancu

Unknown

From: Duncan Scott [duncan@dscottlaw.com]
Sent: Monday, March 26, 2012 9:50 PM
To: duncan@dscottlaw.com
Subject: Rob Doughty fundraiser at Duncan Scott's house. Friday (March 30), 5:00-7:00 p.m.

Duncan Scott and Mickey Barnett invite you to a fundraiser for Robert Doughty, who is running for Senate District 21. This seat was held by Mark Cravens, who resigned and was replaced by Democrat trial lawyer Lisa Curtis.

This not-to-be-missed fundraiser is Friday (March 30), from 5:00 p.m. -7:00 p.m. at Duncan Scott's house in Tanoan. The address is 10109 Masters Drive NE.

Within academic circles, respected political scientists argue that Tanoan is the fountainhead for Western Political Thought (WPT). But regardless of this debate, ALL cartographers agree that Tanoan–the Shining City on the Hill–is the epicenter of Senate District 21. Here is a map of Senate District 21:

http://www.sos.state.nm.us/RedistrictingMaps/SD_188347_1_Court_Map_letter_Distric

We hope you (and 63 of your closest friends) will join us. The suggested donation is $250.00, but a donation of ANY amount is welcome.

We will serve barbeque and liquid refreshments. If possible, please RSVP to Duncan@DScottlaw.com so we know how many cows to order. Thank you!

Duncan Scott
Scott & Kienzle, P.A.
1011 Las Lomas NE
Mail: Box 587
Albuquerque, NM 87102
(505) 246-8600; FAX 246-8682
Cell: (505) 238-2151
Duncan@Dscottlaw.com

Unknown

From: Duncan Scott [duncan@dscottlaw.com]
Sent: Monday, March 26, 2012 9:50 PM
To: duncan@dscottlaw.com
Subject: Rob Doughty fundraiser at Duncan Scott's house. Friday (March 30), 5:00-7:00 p.m.

Duncan Scott and Mickey Barnett invite you to a fundraiser for Robert Doughty, who is running for Senate District 21. This seat was held by Mark Cravens, who resigned and was replaced by Democrat trial lawyer Lisa Curtis.

This not-to-be-missed fundraiser is Friday (March 30), from 5:00 p.m. -7:00 p.m. at Duncan Scott's house in Tanoan. The address is 10109 Masters Drive NE.

Within academic circles, respected political scientists argue that Tanoan is the fountainhead for Western Political Thought (WPT). But regardless of this debate, ALL cartographers agree that Tanoan–the Shining City on the Hill–is the epicenter of Senate District 21. Here is a map of Senate District 21:

http://www.sos.state.nm.us/RedistrictingMaps/SD_188347_1_Court_Map_letter_Distric

We hope you (and 63 of your closest friends) will join us. The suggested donation is $250.00, but a donation of ANY amount is welcome.

We will serve barbeque and liquid refreshments. If possible, please RSVP to Duncan@DScottlaw.com so we know how many cows to order. Thank you!

Duncan Scott
Scott & Kienzle, P.A.
1011 Las Lomas NE
Mail: Box 587
Albuquerque, NM 87102
(505) 246-8600; FAX 246-8682
Cell: (505) 238-2151
Duncan@Dscottlaw.com

Unknown

From: newmanmonty@gmail.com
Sent: Monday, March 26, 2012 5:27 PM
To: adarnell@susanapac.com; gmarquez@susana2010.com
Subject: Names

Mark Veteto - Me-Tex Oil and Gas
(Independent Producer)

Larry Scott - Lynx Petroleum
(Independent Producer)

Finn Smith - Watson Hopper
(Manufactures Pulling Units)

Mike McVay- McVay Drilling
(Operates Drilling Rigs NM

Cliff Brunson - BBC International
(Environmental Specialist to Oil and Gas)

All of these men are principals in their companies and very knowledgeable.

Regards, M
Sent on the Sprint® Now Network from my BlackBerry®

Unknown

From: newmanmonty@gmail.com
Sent: Monday, March 26, 2012 5:27 PM
To: adarnell@susanapac.com; gmarquez@susana2010.com

Alexis,

These will be the general areas of discussion.

Oil and gas issues in NM.

IE: Tax structure vs. other producing states.

Why fewer NM based operators in NM per bbls produced vs. other states.

Transportation issues for oil rigs etc permitting on state highways vs. Texas.

Enviromental issues specific to NM oil and gas operations.

Specific tax and regulation of oil and gas in NM.

I will call when I am free. Currently in Greenville, SC.

Will follow up with names of those attending.
Regards,
M
Sent on the Sprint® Now Network from my BlackBerry®

Unknown

From: Hanna Skandera [hannaskandera@yahoo.com]
Sent: Monday, March 26, 2012 1:14 PM
To: susana.m@susana2010.com
Subject: Fwd: ABQ JOURNAL: Editorial: Reform Must Happen To Move N.M. Ahead

Here you go!

Sent from my iPhone

Begin forwarded message:

> **From:** Larry Behrens <laurence.behrens@gmail.com>
> **Date:** March 25, 2012 8:48:37 AM EDT
> **To:** Hanna Skandera <hannaskandera@yahoo.com>, christine stavem <cstavem@yahoo.com>
> **Subject: Fwd: ABQ JOURNAL: Editorial: Reform Must Happen To Move N.M. Ahead**
>
> Two in one day:

APS Shows Few Signs of Moving Forward

By Michael DeWitte And Larry Langley / New Mexico Business Roundtable on Sat, Mar 24, 2012

In Tuesday's "From the Top" column by Albuquerque Pubilc Schools Superintendent Winston Brooks, he indicated that his opposition to education reforms introduced during the 2012 legislative session is neither "status quo" nor "resistant to change."

We at the N.M. Business Roundtable are extremely frustrated with the inability of everyone in our state to work together for the "kids" and implement effective and meaningful transformation on a larger scale. Yet for the purposes of this article, we simply wish to provide some clarity and facts as to the legislative session and reforms endorsed and supported by the Roundtable and its partners.

On reading and grade retention, Brooks wrote, "this legislation (HB 69/SB 96) would have made retention mandatory without parental consent." Not true: Under House Bill 69/Senate Bill 96 "Limit School Retention through Intervention Bill," parents would be engaged starting as early as kindergarten to develop an intervention plan for struggling readers, and their participation would continue throughout grades 1, 2 and 3.

Retention decisions were never to be made by the state; rather, the legislation clearly called for the decision to be made at the district and school level. Brooks supported SB 50, which was legislation introduced to oppose this reform measure and made absolutely no changes to what is currently in statute; i.e., the status quo.

Brooks said, "I'm not sold that retention is the solution." Research shows if you only hold a student back and do not change their instruction, that retention isn't effective, and as Albert Einstein said: "Insanity is doing the same thing over and over again and expecting different results." HB 69/SB96 clearly stated that if a student is retained, their intervention and instruction must differ from what they previously received to maximize the

chance for success Funding to support these types of interventions was part of this reform.

Brooks' assertion that "proposed legislation would have evaluated all teachers on math and reading scores, even if they don't teach those subjects" is false. HB 249, which was strongly supported by the Business Roundtable and the National Education Association, clearly indicated that three years of data would be used to measure teacher effectiveness and that for nontested grades and subjects, districts could work independently or collaboratively to develop additional measures of student learning to submit to the Public Education Department to measure a teacher's impact on their students in their content area.

Further, student achievement was only one part of an evaluation that would also include observations and other locally selected multiple measures. We can ill afford to penalize a teacher who inherits an unprepared student (perhaps a matriculating non-reading third-grader to fourth grade).

Brooks asserts that APS math scores on a national standardized test were on par or better than other large urban school districts; however, when one disaggregates the data based on the number of minority and free-or-reduced-lunch recipients, then perhaps the data are not that positive. More important, APS reading data for all students are shown below:

- Grade 3 proficient and above – 2008-09, 60.5 percent; 2009-10, 57 percent; and 2010-11, 52.4 percent.
- Grade 8 proficient and above – 2008-09, 65.3 percent; 2009-10, 63.1 percent; and 2010-11, 54.7 percent.
- Grade 11 proficient and above – 2008-09, 58 percent; 2009-10, 59.4 percent; and 2010-11, 54.6 percent.

We surmise that APS reading scores since 2008 to the present exhibit a downward trend.

Brooks noted that "APS agreed with 95 percent of the ideas offered" on education reforms. Not sure the APS lobbyist (paid for with taxpayer dollars) received the memo. APS lobbied aggressively in opposition to all reform legislation that the Business Roundtable and partners supported and supported legislation which we opposed.

"Status quo?"

We have provided our candid comments and concerns, and now we must see if we can set personal agendas aside and work with the relevant parties and collaboratively address real issues for the sake of our children and our future. We also call upon APS, to forthrightly share their data-driven suggestions for "transformation" so that we can all move New Mexico education forward. It will take all of us.

Michael DeWitte is chairman of the board of directors and Larry Langley is the chief executive officer of the New Mexico Business Roundtable.

Editorial: Reform Must Happen To Move N.M. Ahead
By Albuquerque Journal Editorial Board
Sat, Mar 24, 2012

http://www.abqjournal.com/main/2012/03/24/opinion/reform-must-happen-to-move-nm-ahead.html

Despite billions of dollars poured annually into education in New Mexico and implementation of innovative programs in some districts, the state hasn't really moved the needle positively in its numbers of proficient graduates.

Progress remains elusive despite the fact that the state spends more than 50 percent of its budget on public schools and higher education.

The state's four-year "cohort" graduation rate is about 67 percent. A recent national study using an older methodology shows New Mexico's graduation rate actually backsliding from 2002 to 2009 — one of only 10 states in that category.

While some in the education establishment tout the fact that Education Week recently gave New Mexico an overall grade of C and a state ranking of 30, in that same report the state fails miserably in the categories that really count — K-12 achievement, 47th, a D-minus; and Chance for Success, which includes categories outside the school's control like poverty, 50th, a D-plus. A bright note that helped boost the overall score is the state's A-minus grade and 15th ranking in standards, assessments and accountability.

New Mexico's performance in the National Assessment of Educational Progress — called the nation's report card — also is ranked near the bottom. In the state's Standards Based Assessment, which has been used to measure progress under the federal No Child Left Behind act, New Mexico again scores poorly. While New Mexico's SBA is significantly harder than tests used by many other states, reaching those commendable higher standards is the task.

New Mexico recently received a waiver from NCLB's Adequate Yearly Progress rankings in exchange for implementing reforms to hold districts accountable for student performance and to evaluate teachers partly based on student progress.

However, some educators have fought tooth and nail against parts of the Martinez administration's proposed reforms. The 2011 Legislature passed the A-F school grading system, but the 2012 Legislature took a pass on two other reforms — teacher evaluations and mandatory third-grade retention, with early education intervention for students who can't read proficiently.

Albuquerque Public Schools was one of the leading opponents in the legislative arena. Superintendent Winston Brooks says APS supported 95 percent of the reading intervention bill, but disagrees on mandatory retention, noting state law already makes retention mandatory for a child who fails two years in a row.

While he decried what he said was lack of the Martinez administration's willingness to compromise, he ignores the fact that there was a significant compromise: Parents who participated fully in the intervention programs could override any decision to hold a child back. And there was enough compromise that majorities in both chambers supported the legislation at one time or another during the session.

Brooks points to changes his administration initiated to push the learning envelope in the district. Among them are standardized elementary reading and math programs, extending the high school class day and implementing in some schools a national program that targets students in the "forgotten middle" and helps kids prepare for college.

He also notes that among large urban school districts, APS students score on par or better in math and reading on a national standardized test and APS is one of six urban school districts piloting National Common Core Standards.

These are all positives, and the numbers at APS have improved slightly. Still, the district's four-year graduation rate at just under 65 percent remains below the statewide average.

Brooks and APS also took issue with legislation that would base 50 percent of an evaluation of a teacher who doesn't teach math or reading on a school's overall performance on the SBA. But he conceded that a pilot APS teacher evaluation program he endorses bases 25 percent of such teachers' evaluations on schoolwide student growth.

No reform is ever perfect as proposed; further work is always required. But what's clear, year after year, is that New Mexico must make a sea change if its students are to be armed with the skills to succeed.

And while educators and legislators quibble over teacher evaluation and third-grade retention, the cry for serious education reform is getting louder all across the nation.

This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

=

Unknown

From: Patrick J. Rogers [patrogers@modrall.com]

Sent: Sunday, March 25, 2012 1:22 PM

To: jay@mccleskeymedia.com; KGardner@susana2010.com

Subject: RE: ABQ JOURNAL: APS Shows Few Signs of Moving Forward

Doesn't get much better than this. I don't know Langley, but DeWitte is a retired Sandia bigwig and pretty influential with the Econ Forum types. I don't think he had much to do with Richardson. Might give some thought to encouraging him.

And please get rid of Steve Moise. Would it hurt to simply advertise the job while he is still in it, "to make sure NM is getting the best possible services for the EXCEEDINGLY high salary". Let him apply if he wants? Who possibly that matters would think that is a bad idea? He probably should have been fired long ago, along with everyone who improperly delayed reports critical of Richardson, to help Denish.

From: MARTINEZ INFO CENTER [mailto:warroom@susanapac.com]
Sent: Sunday, March 25, 2012 6:45 AM
To: MARTINEZ INFO CENTER
Subject: ABQ JOURNAL: APS Shows Few Signs of Moving Forward

APS Shows Few Signs of Moving Forward
By Michael DeWitte And Larry Langley, New Mexico Business Roundtable
The Albuquerque Journal
Sat, Mar 24, 2012

http://www.abqjournal.com/main/2012/03/24/opinion/aps-shows-few-signs-of-moving-forward.html

In Tuesday's "From the Top" column by Albuquerque Pubilc Schools Superintendent Winston Brooks, he indicated that his opposition to education reforms introduced during the 2012 legislative session is neither "status quo" nor "resistant to change."

We at the N.M. Business Roundtable are extremely frustrated with the inability of everyone in our state to work together for the "kids" and implement effective and meaningful transformation on a larger scale. Yet for the purposes of this article, we simply wish to provide some clarity and facts as to the legislative session and reforms endorsed and supported by the Roundtable and its partners.

On reading and grade retention, Brooks wrote, "this legislation (HB 69/SB 96) would have made retention mandatory without parental consent." Not true: Under House Bill 69/Senate Bill 96 "Limit School Retention through Intervention Bill," parents would be engaged starting as early as kindergarten to develop an intervention plan for struggling readers, and their participation would continue throughout grades 1, 2 and 3.

Retention decisions were never to be made by the state; rather, the legislation clearly called for the decision to be made at the district and school level. Brooks supported SB 50, which was legislation introduced to oppose this reform measure and made absolutely no changes to what is currently in statute; i.e., the status quo.

Brooks said, "I'm not sold that retention is the solution." Research shows if you only hold a student back and do not change their instruction, that retention isn't effective, and as Albert Einstein said: "Insanity is doing the same thing over and over again and expecting different results." HB 69/SB96 clearly stated that if a student is retained, their intervention and instruction must differ from what they previously received to maximize the chance for success. Funding to support these types of interventions was part of this reform.

Brooks' assertion that "proposed legislation would have evaluated all teachers on math and reading scores, even if they don't teach those subjects" is false. HB 249, which was strongly supported by the Business Roundtable and the National Education Association, clearly indicated that three years of data would be used to measure teacher effectiveness and that for nontested grades and subjects, districts could work independently or collaboratively to develop additional measures of student learning to submit to the Public Education Department to measure a teacher's impact on their students in their content area.

Further, student achievement was only one part of an evaluation that would also include observations and other locally selected multiple measures. We can ill afford to penalize a teacher who inherits an unprepared student (perhaps a matriculating non-reading third-grader to fourth grade).

Brooks asserts that APS math scores on a national standardized test were on par or better than other large urban school districts; however, when one disaggregates the data based on the number of minority and free-or-reduced-lunch recipients, then perhaps the data are not that positive. More important, APS reading data for all students are shown below:

? Grade 3 proficient and above – 2008-09, 60.5 percent; 2009-10, 57 percent; and 2010-11, 52.4 percent.

? Grade 8 proficient and above – 2008-09, 65.3 percent; 2009-10, 63.1 percent; and 2010-11, 54.7 percent.

? Grade 11 proficient and above – 2008-09, 58 percent; 2009-10, 59.4 percent; and 2010-11, 54.6 percent.

We surmise that APS reading scores since 2008 to the present exhibit a downward trend.

Brooks noted that "APS agreed with 95 percent of the ideas offered" on education reforms. Not sure the APS lobbyist (paid for with taxpayer dollars) received the memo. APS lobbied aggressively in opposition to all reform legislation that the Business Roundtable and partners supported and supported legislation which we opposed.

"Status quo?"

We have provided our candid comments and concerns, and now we must see if we can set personal agendas aside and work with the relevant parties and collaboratively address real issues for the sake of our children and our future. We also call upon APS, to forthrightly share their data-driven suggestions for "transformation" so that we can all move New Mexico education forward. It will take all of us.

Michael DeWitte is chairman of the board of directors and Larry Langley is the chief executive officer of the New Mexico Business Roundtable.

attachments), unless specifically stated otherwise, is not intended or written to be used, and cannot be used, for the purposes of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter herein.

Unknown

From: Patrick J. Rogers [patrogers@modrall.com]

Sent: Sunday, March 25, 2012 1:22 PM

To: jay@mccleskeymedia.com; KGardner@susana2010.com

Subject: RE: ABQ JOURNAL: APS Shows Few Signs of Moving Forward

Doesn't get much better than this. I don't know Langley, but DeWitte is a retired Sandia bigwig and pretty influential with the Econ Forum types. I don't think he had much to do with Richardson. Might give some thought to encouraging him.

And please get rid of Steve Moise. Would it hurt to simply advertise the job while he is still in it, "to make sure NM is getting the best possible services for the EXCEEDINGLY high salary". Let him apply if he wants? Who possibly that matters would think that is a bad idea? He probably should have been fired long ago, along with everyone who improperly delayed reports critical of Richardson, to help Denish.

From: MARTINEZ INFO CENTER [mailto:warroom@susanapac.com]
Sent: Sunday, March 25, 2012 6:45 AM
To: MARTINEZ INFO CENTER
Subject: ABQ JOURNAL: APS Shows Few Signs of Moving Forward

APS Shows Few Signs of Moving Forward
By Michael DeWitte And Larry Langley, New Mexico Business Roundtable
The Albuquerque Journal
Sat, Mar 24, 2012

http://www.abqjournal.com/main/2012/03/24/opinion/aps-shows-few-signs-of-moving-forward.html

In Tuesday's "From the Top" column by Albuquerque Pubilc Schools Superintendent Winston Brooks, he indicated that his opposition to education reforms introduced during the 2012 legislative session is neither "status quo" nor "resistant to change."

We at the N.M. Business Roundtable are extremely frustrated with the inability of everyone in our state to work together for the "kids" and implement effective and meaningful transformation on a larger scale. Yet for the purposes of this article, we simply wish to provide some clarity and facts as to the legislative session and reforms endorsed and supported by the Roundtable and its partners.

On reading and grade retention, Brooks wrote, "this legislation (HB 69/SB 96) would have made retention mandatory without parental consent." Not true: Under House Bill 69/Senate Bill 96 "Limit School Retention through Intervention Bill," parents would be engaged starting as early as kindergarten to develop an intervention plan for struggling readers, and their participation would continue throughout grades 1, 2 and 3.

Retention decisions were never to be made by the state; rather, the legislation clearly called for the decision to be made at the district and school level. Brooks supported SB 50, which was legislation introduced to oppose this reform measure and made absolutely no changes to what is currently in statute; i.e., the status quo.

Brooks said, "I'm not sold that retention is the solution." Research shows if you only hold a student back and do not change their instruction, that retention isn't effective, and as Albert Einstein said: "Insanity is doing the same thing over and over again and expecting different results." HB 69/SB96 clearly stated that if a student is retained, their intervention and instruction must differ from what they previously received to maximize the chance for success. Funding to support these types of interventions was part of this reform.

Brooks' assertion that "proposed legislation would have evaluated all teachers on math and reading scores, even if they don't teach those subjects" is false. HB 249, which was strongly supported by the Business Roundtable and the National Education Association, clearly indicated that three years of data would be used to measure teacher effectiveness and that for nontested grades and subjects, districts could work independently or collaboratively to develop additional measures of student learning to submit to the Public Education Department to measure a teacher's impact on their students in their content area.

Further, student achievement was only one part of an evaluation that would also include observations and other locally selected multiple measures. We can ill afford to penalize a teacher who inherits an unprepared student (perhaps a matriculating non-reading third-grader to fourth grade).

Brooks asserts that APS math scores on a national standardized test were on par or better than other large urban school districts; however, when one disaggregates the data based on the number of minority and free-or-reduced-lunch recipients, then perhaps the data are not that positive. More important, APS reading data for all students are shown below:

? Grade 3 proficient and above – 2008-09, 60.5 percent; 2009-10, 57 percent; and 2010-11, 52.4 percent.

? Grade 8 proficient and above – 2008-09, 65.3 percent; 2009-10, 63.1 percent; and 2010-11, 54.7 percent.

? Grade 11 proficient and above – 2008-09, 58 percent; 2009-10, 59.4 percent; and 2010-11, 54.6 percent.

We surmise that APS reading scores since 2008 to the present exhibit a downward trend.

Brooks noted that "APS agreed with 95 percent of the ideas offered" on education reforms. Not sure the APS lobbyist (paid for with taxpayer dollars) received the memo. APS lobbied aggressively in opposition to all reform legislation that the Business Roundtable and partners supported and supported legislation which we opposed.

"Status quo?"

We have provided our candid comments and concerns, and now we must see if we can set personal agendas aside and work with the relevant parties and collaboratively address real issues for the sake of our children and our future. We also call upon APS, to forthrightly share their data-driven suggestions for "transformation" so that we can all move New Mexico education forward. It will take all of us.

Michael DeWitte is chairman of the board of directors and Larry Langley is the chief executive officer of the New Mexico Business Roundtable.

attachments), unless specifically stated otherwise, is not intended or written to be used, and cannot be used, for the purposes of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter herein.

Unknown

From: Erin Kinnard Thompson [erinkin@hotmail.com]
Sent: Saturday, March 24, 2012 8:36 AM
To: erin thompson; ethompson@susanapac.com
Subject: FW: ABQ JOURNAL: Editorial: Say 'No' to Corruption

From: warroom@susanapac.com
To: warroom@susanapac.com
Date: Sat, 24 Mar 2012 09:56:00 -0400
Subject: ABQ JOURNAL: Editorial: Say 'No' to Corruption

Editorial: Say 'No' to Corruption
By Albuquerque Journal Editorial Board
Sat, Mar 24, 2012

http://www.abqjournal.com/main/2012/03/24/opinion/say-no-to-corruption.html

Tt doesn't seem to matter how many public officials are indicted, convicted or sent to jail — there always seems to be another one who can't resist the taxpayers' cookie jar.
On Tuesday, Laurie Chapman, the former facilities manager for the state Corrections Department, was sentenced to five years and 10 months in federal prison for accepting $237,080 in bribes from Omni Development of Santa Fe and its owner, Anthony Moya, in exchange for about $4 million in roofing contracts on state prison buildings. She also was ordered to forfeit $237,080. Chapman resigned her post at Corrections in May 2010 and worked for another state agency until she was fired in February 2011.
Meanwhile, last week in Santa Fe, Advantage Asphalt and Seal Coating owners Joe "Anthony" Montoya and Marlene Montoya, former Santa Fe County Public Works Director James Lujan — now the city manager of Española — and Lujan's former assistant Denice Sanchez entered not-guilty pleas on charges including conspiracy, racketeering, fraud and bribery in connection with the alleged theft of more than $1 million in Santa Fe County funds.
Just what do these two corruption cases — and others that come to light all too often in New Mexico — tell you? That New Mexicans are pretty hard-headed when it comes to getting the message that crime doesn't pay.
This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

Unknown

From: Patrick J. Rogers [patrogers@modrall.com]
Sent: Wednesday, March 21, 2012 6:47 PM
To: mickey@theblf.com; KGardner@susana2010.com
Cc: 'bobbishearer@gmail.com'
Subject: Judge Currier's decision

Can you all send me the pleadings and decision? Currier's decision to keep Keith's opponent on the ballot? There has been an interesting opportunity arise in the recent filings.

Pat

Unknown

From: Jeb Bush [jeb@jeb.org]
Sent: Friday, March 16, 2012 6:49 PM
To: susana.m@susana2010.com
Subject: april 29/30

Dear Susana:

I am joining with former Governor Jim Hunt of North Carolina in hosting the annual ***Governors Education Symposium*** in the Research Triangle Park of North Carolina, April 29th and 30th.

This is a two-day session that begins at 1:00 p.m. on Sunday and ends at 2:00 p.m. on Monday after a speech and discussion with Governors by Secretary of Education Arne Duncan.

I believe that this meeting involving Governors, CEOs and key leaders on education reform will help Governors who attend understand "what needs to be done now" in their schools to reduce drop outs and increase student learning. Just as important, we will discuss the work Governors are doing to "lead the change." It can't just be left up to the State Superintendent or School Board. We will want you to share your experiences and ask plenty of questions.

You should have received a formal invitation at your office with all the information you need for the symposium. I really hope you will come for this brief but critically important meeting.

Jeb

Unknown

From: Patrick J. Rogers [patrogers@modrall.com]
Sent: Thursday, March 15, 2012 3:50 PM
To: RCangiolosi@susanapac.com
Cc: Adam@susana2010.com; 'Bryan Watkins'
Subject: RE: 2 tickets for 2nd session, right

I just got 2 more seats about 5 rows up, so we can accommodate and trade off from time to time.
I will be at 350-1575, call and I will meet you at the door. See you soon.

From: Ryan Cangiolosi [mailto:RCangiolosi@susanapac.com]
Sent: Thursday, March 15, 2012 2:51 PM
To: Patrick J. Rogers
Subject: Re: 2 tickets for 2nd session, right

Can I get two more?

1. Me
2. Adam
3. Dana Feldman
4. Brian Watkins

Thanks.

On Mar 15, 2012, at 11:47 AM, Patrick J. Rogers wrote:

I have you down for 2 tickets, for second session beginning at 5:27. Call my cell and I'll run down to the entrance. Pat

--
IRS Circular 230 Disclosure: To comply with requirements imposed by the IRS, we

inform you that any U.S. federal tax advice contained herein (including any attachments), unless specifically stated otherwise, is not intended or written to be used, and cannot be used, for the purposes of (i) avoiding penalties under

the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter herein.

Unknown

From: Patrick J. Rogers [patrogers@modrall.com]
Sent: Thursday, March 15, 2012 11:48 AM
To: RCangiolosi@susanapac.com; Adam@susana2010.com
Cc: Marco E. Gonzales
Subject: 2 tickets for 2nd session, right

I have you down for 2 tickets, for second session beginning at 5:27. Call my cell and I'll run down to the entrance.Pat

--

Unknown

From: Duffy Rodriguez [duffyrod123@yahoo.com]

Sent: Saturday, March 10, 2012 7:13 PM

To: susana.m@susana2010.com; SDarnell@susanapac.com; jay@mccleskeymedia.com; rmkcang@yahoo.com

Subject: YEAH LOBOS!!!

Go Lobos, YEAH LOBOS!! Hope you all had a great time watching the game!! AWESOME WIN!! At some point we need to praise Alford's Scholar Athletes....important point to make.

Unknown

From: Patrick J. Rogers [patrogers@modrall.com]
Sent: Friday, March 09, 2012 3:58 PM
To: jay@mccleskeymedia.com; Adam@susana2010.com; 'afeldman@lincoln-strategy.com'
Subject: Tony Williams

Former Senator Tony Williams needs another go, Sen dist 29. 916-2171

--

Unknown

From: Patrick J. Rogers [patrogers@modrall.com]
Sent: Friday, March 09, 2012 1:33 PM
To: 'afeldman@lincoln-strategy.com'; Adam@susana2010.com
Subject: FW: Greg Gaudette

Adam—call me. Pat

From: Emil J. Kiehne
Sent: Friday, March 09, 2012 1:12 PM
To: Patrick J. Rogers
Subject: Greg Gaudette

Pat,

Greg Gaudette works in Los Lunas, and lives in Peralta. He and his wife homeschool their several children, and attend San Clemente Parish in Los Lunas. He is originally from Massachusetts (which you can tell just by talking to him), and does primarily criminal defense work, but also does family law. His number is 865-3180. Like I said, I don't know what his party affiliation is.

MODRALL SPERLING
Celebrating 75 Years
1937-2012

Emil J. Kiehne
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
500 Fourth Street, N.W.
P.O. Box 2168
Albuquerque, New Mexico 87103-2168
Tel. (505) 848-1838
Fax (505) 848-1889

Unknown

From: Stratton, Hal [HStratton@BHFS.com]

Sent: Friday, March 09, 2012 10:22 AM

To: Keith Gardner (Gardners90@yahoo.com); rmkcang@yahoo.com; JHernandez@susana2010.com; Jay McCleskey (jay@mccleskeymedia.com); nicolem@pos.org; scott.darnell@state.nm.us; mstackpole@susana2010.com; JCausey@susanapac.com

Subject: OU

Attachments: BHFSDOCS-#1658963-v1-Sooner_Lawyer_Gov_Susana_Martinez_Fall_2011_Winter_2012.PDF

I am aware of the Governor's "fond remembrances" of Norman, OK and OU. However, I thought you and she (if she's not on the mailing list) would like to have it.

Hal

Hal Stratton
Brownstein Hyatt Farber Schreck, LLP
201 Third St., NW, Suite 1700
Albuquerque, NM 87102
505-724-9596 *tel*
505-244-9266 *fax*
hstratton@bhfs.com
bhfs.com

Washington, D.C. Office
1350 I St., NW, Suite 510
Washington, D.C. 20005
202-296-7353 *tel*

Unknown

From: Phil Musser [pm@newfrontierstrategy.com]
Sent: Tuesday, March 06, 2012 3:23 PM
To: Phil Musser
Subject: OK- Newt Surge? Mitt?
Attachments: NFS- Oklahoma 2012 GOP Primary Poll FINAL report.pdf; NFS-OKexitpolltoplinereport.pdf

Hello- Sorry for two emails, but this one is in the lets have some fun category with a BIG grain of salt. As i mentioned in my email this morning, we in polled Oklahoma yesterday to check on things. It was a decent sample (N=691 w 3.7 MOE) and we modeled on 2008, as you can see in the attached results so those polling junkies can make their own assumptions.

Well, the results were way outside conventional wisdom, and frankly i didn't believe them. Not sure i still do, but no public pilling has been done there since the 21st. Our survey had Newt leading at 31%, Santorum at 26%, Mitt at 23% and Paul at 8%.

The sample was one night, too much tea party i think, but otherwise i think the balancing should be pretty accurate and was bounced off a few old pros in the state in advance.

So, just to see if we were nuts we went in over lunch today and polled Republicans who had already voted from 12-1 CST. Smaller sample of 230, but it came back Romney 30, Newt 29, Santo 27, Paul 12.

So, who the heck knows and i pass this along so folks can keep their eye on Oklahoma tonight, and see if the Newt Surge we found actually emerges, and we have a closer contest than people think. It certainly challenges CW.

Note also that energy polls more importantly here, and that Gingrich has visited the state twice recently and energy has been his focus.

So in sum, Oklahoma could be a surprise. Last night said Newt, today it favors Mitt, but the Gingrich ascent and Santorum decline both seems consistent.

One final thing not in dispute, Republicans love Governor Mary Fallin, with a near 90% approval rating in her home state amongst Republicans. Go Mary!

Have fun with it!

Unknown

From: Phil Musser [pm@newfrontierstrategy.com]
Sent: Tuesday, March 06, 2012 11:35 AM
To: Phil Musser
Subject: Pre-Super Tuesday Update

Attachments: OH NFS POLL-3-6-12.pdf

OH NFS L-3-6-12.pdf (300

Hello- Just wanted to send along a few off the record thoughts in advance of today's big vote.

As we have in the past, we did some polling for a private client on Sunday and Monday in Ohio, and last night in Oklahoma. The big "O's". Since everyone is so interested in how the curtain call will go down in Ohio, that seemed to be a no brainer. Georgia seems cooked for Newt, though a few CDs are worth watching in metro Atlanta for Mitt., but Oklahoma is as interesting a story as any.

Why? My basic view of this race is that Santorum's support is cratering, and OK and TN are seen as strongholds of support, and i wanted to test that thesis. Plus, nobody is really polling Oklahoma, so I figured i might as well.

At this time, i can share the Ohio polling, which i have attached below. It basically jives with what we have seen elsewhere, and shows the race to be a jump ball, with 33.5 for Santorum, 31.4 for Romney, 18 for Newt and 8 for Paul. I've attached the poll results and cross tabs for you to review, and i'd encourage you to look at the regional breakdowns.

Romney is clearly closing strong, and with the delegate issues for Santo, a solid GOTV/early vote operation the trend lines are in the right direction. Regardless of the popular vote i'd be surprised if Mitt didn't win a majority of the delegates up for grabs tonight.

In Oklahoma, we are compiling some additional exit surveys today after reviewing last nights data, which was a one day poll, versus a longer time sample in Ohio. I will send around those results later today, and if last nights data is corroborated, this could be the location of a surprise tonight. There usually is one on super tuesday, and lord knows this race has been full of them. More to come on that in a bit.

At the macro level, my view is that Romney has seized the reigns of this race by being - as a friend categorized - "big". Last week, he rolled out a solid and understandable pro-growth tax plan, closed strong in MI and AZ, and in doing so changed the dynamic of the race fundamentally. Had he lost MI, the super Tuesday narrative would have been another "do or die" series of stories. Now it is Santo who must contend with the "do or die".

Mitt's intensity is also soaring as Republicans nationally are starting to truly embrace his candidacy across the board, (note crowds of late, WSJ/NBC poll yesterday) and he's been tighter and more focused on his economic message with a few terrific interviews despite a grueling schedule.

Santorum, on the other hand, is just off a terrible week of muddled and confusing message. He hasn't articulated a clear rationale for his candidacy, has apparently ignored advice to keep his message focused on a working class jobs message, and has underinvested in the critical area of both ballot access and communications. His crowds are smaller, and his stump speech wanders. Plus, the press covering him are getting tried of driving all over America. The fray is beginning to show, and he may forfeit his spot as the chief Romney alternative tonight.

If he does, what does that mean?

It means i'm watching carefully the storyline on Newt. He has been camped out in Georgia, and must win, but he also was in Oklahoma twice in the last two weeks. Should he outperform, he'll head immediately south, armed with a $2.50 gas plan, no money but a rich Super PAC, and camp out in AL, MS and KS. Should he fail, he's likely done.

He's also eyeing PR and the territories, which sneak up just after that, and interesting pot of delegates up for grabs in the middle of the month.

As always, I welcome your comments and feedback. If you'd like to be removed just let me know.

Best - Phil

Unknown

From: Facebook [update+kr4mbrbsxmya@facebookmail.com]
Sent: Saturday, March 03, 2012 5:00 PM
To: meastwood@susana2010.com
Subject: Reminder: John Stephen Padoven invited you to join Facebook...

facebook

Hi,

John Stephen wants to be your friend on Facebook. No matter how far away you are from friends and family, Facebook can help you stay connected.

Other people have asked to be your friend on Facebook. Accept this invitation to see your previous friend requests

John Stephen Padoven
Universty of New Mexico and Arizona State · Santa Fe, New Mexico

53 friends · 2 Wall posts · 1 group

Richard A Sandoval
Highland High School Albuquerque, New Mexico · Albuquerque, New Mexico

14 friends · 2 Wall posts

Accept Invitation **Go to Facebook**